

## Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 USIA-15 TRSE-00

ERDA-07 CIAE-00 COME-00 /043 W

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FM AMEMBASSY ROME

TO SECSTATE WASHDC 3131

UNCLAS ROME 3541

E.O. 11652: N/A

TAGS: ESTC, IT

SUBJECT: COCOM/REVISIONS IN ITALIAN REGULATIONS

REF: STATE A-42

ON MARCH 1, THE ITALIAN MINISTRY OF FOREIGN AFFAIRS PASSED TO EMBOFF ITS REVISION OF THOSE COCOM REGULATIONS AFFECTING ITALIAN INTERNATIONAL TRADE. PREVIOUS REGULATIONS AS PRESENTED IN REFERENCE AIRGRAM, PAGES 16 AND 17, REMAIN UNCHANGED WITH THE EXCEPTION OF PARAGRAPH 3, PAGE 16, UNDER "LICENSE REQUIREMENTS," BEGINNING WITH THE SECOND SENTENCE OF THE PARAGRAPH AND CONTINUING TO THE CONCLUSION OF THE PARAGRAPH; (B) PARAGRAPH 4, PAGE 17, UNDER "PENALTIES", ALL OF THE PARAGRAPH, AND (C) PARAGRAPH 5, PAGE 17, ALSO UNDER "PENALTIES". FOLLOWING IS A TRANSLATION OF THE MFA REVISION AS IT PERTAINS TO THESE SPECIFIC SECTIONS:

(A) THE SYSTEM CONNECTED WITH IMPORT LIST A AND IMPORT LIST B NO LONGER EXISTS.

THESE TWO LISTS AND THE WHOLE IMPORT SYSTEM HAVE BEEN MODIFIED EVER SINCE 1975 AND AT PRESENT ARE REGULATED BY MINISTERIAL DECRE OF MAY 6, 1976, PUBLISHED IN ORDINARY SUPPLEMENT TO OFFICIAL GAZETTE NO. 157 OF JUNE 16, 1976 (AS AMENDED BY MINISTERIAL DECREE OF JUNE 28, 1976, PUBLISHED IN OFFICIAL GAZETTE NO. 171 OF JULY 1, 1976), EFFECTIVE AS OF JULY 1, 1976. THIS DECREE GOVERNS ALL IMPORTS SUBJECT TO UNCLASSIFIED

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AN AUTHORIZATION (LICENSE), TAKING INTO ACCOUNT NOT THE PLACE FROM WHICH THE GOODS COME BUT THEIR /ORIGIN/. COUNTRIES HAVE BEEN DIVIDED INTO COUNTRIES OF ZONE A (SUBDIVIDED INTO ZONE A-1, A-2, A-3, DEPENDING ON WHETHER THEY ARE EEC COUNTRIES, COUNTRIES ASSOCIATED TO THE EEC, OR WESTERN COUNTRIES); ZONE B, WHICH INCLUDES COUNTRIES OF THE EAST; AND ZONE C (JAPAN).

MOREOVER, THERE IS A SERIES OF PRODUCTS WHICH ARE NOT SUBJECT TO DISCRETIONARY IMPORT LICENSES, BUT TO "DIFFERENT FORMS OF SUPERVISION" WHICH PERMIT, SHOULD THE TREND OF IMPORTS MAKE IT NECESSARY, THE TRANSFER TO A DISCRETIONARY LICENSE FOR IMPORTS. THESE FORMS OF SUPERVISION HAVE NOT BEEN ESTABLISHED BY MINISTERIAL DECREE, BUT BY A SIMPLE CIRCULAR NOTE, CONTAINING REGULATIVE INSTRUCTIONS. THIS IS THE CIRCULAR NOTE, OF THE MINISTER OF FOREIGN TRADE -D.G. IMPORT EXPORT-DIV.I, NO. 22/76, REF. NO. 349200 OF NOVEMBER 30, 1976, THAT WAS ISSUED PURSUANT TO ARTICLE 6 OF MINISTERIAL DECREE OF MAY 6, 1976, MENTIONED ABOVE, AND ESTABLISHES THE "RULES GOVERNING THE IMPORTATION OF COMMODITIES AUTHORIZED AND CERTAIN FORMALITIES TO BE COMPLIED WITH."

FOR ALL COMMODITIES NOT INCLUDED IN THE PRECEDING DECREE NOR IN THE AFORESAID CIRCULAR NOTE, IMPORTS ARE FREELY ADMITTED BY THE CUSTOM-HOUSES.

(B) PENALTIES THAT MAY BE APPLIED FOR IMPORT VIOLATIONS HAVE BEEN RECENTLY INCREASED. SINCE IRREGULAR IMPORTS ALWAYS INVOLVE CURRENCY VIOLATIONS, THE LATTER ARE PUNISHED BY RATHER SEVERE PENALTIES, I.E. IMPRISONMENT FROM 1 TO 6 YEARS AND FINES FROM TWICE TO FOUR TIMES THE VALUE OF THE EXPORTED GOODS. THESE PENALTIES ARE INCREASED IF THE CRIME IS COMMITTED BY 3 OR MORE PERSONS. LASTLY, THE AFORESAID PENALTIES ARE DOUBLED "IF, OWING TO THE DAMAGES THAT MIGHT DERIVE THEREFROM TO THE DOMESTIC ECONOMY, THE FACT COMES TO HAVE A CHARACTER OF PARTICULAR SERIOUSNESS." FINALLY, ONE SHOULD BEAR IN MIND THAT THE "ATTEMPT" TO COMMIT THE CRIME IS, FOR ALL PURPOSES, TANTAMOUNT TO THE COMMITTED CRIME.

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ALL THE ABOVE IS EVISAGED BY THE FOLLOSING REGULATIONS:  
DECREE-LAW NO. 31 OF MARCH 4, 1976, AS CONVERTED INTO LAW NO. 159 OF APRIL 30, 1976.

AMENDED BY LAW NO. 689 OF OCTOBER 8, 1976.

AMENDED BY DECREE-LAW NO. 759 OF NOVEMBER 19, 1976.

AS CONVERTED INTO LAW NO. 863 OF DECEMBER 23, 1976

(PUBLISHED IN OFFICIAL GAZETTE NO. 348 OF DECEMBER 31, 1976).

(C) PENALTIES ENVISAGED FOR VIOLATIONS OF THE /CUSTOMS LAW/ MUST BE APPLIED SEPARATELY FROM THOSE CONTEMPLATED ABOVE AND, WHENEVER TWO VIOLATIONS EXIST, A CUSTOMS VILATION AND A CURRENCY VIOLATION, THE MORE SERVERE PANALTY IS APPLIED.

ONE SHOULD REMEMBER THAT THE VIOLATION OF THE CUSTOMS LAW MEANS /SMUGGLING/, BOTH WHEN THE CRIME IS COMMITTED AND WHEN IT IS ONLY ATTEMPTED; AND THE PENALTIES CONTEMPLAED IN THIS CONNECTION ARE EXTREMELY SEVERE.BEAUDRY

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## Message Attributes

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